

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No.: 10/757,280 Confirmation No.: 5484
Applicants: Johnson et al.
Filed: January 14, 2004
Art Unit: 3634
Examiner: D. Purol
Title: WINDOW TREATMENT PANELS

Docket No.: 048775/277573

Customer No.: 00826

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PRE-APPEAL REQUEST FOR REVIEW

Sir:

Applicant in the above-identified patent application hereby requests review of the Official Action dated December 13, 2007, rejecting Claims 1-20. This request is being filed concurrent with a Notice of Appeal, and no amendments are being filed herewith.

Remarks/Arguments in support of this request begin on page 2 and end on page 5 of this paper, and accordingly include no more than the five (5) pages of remarks permitted to be provided.

REMARKS/ARGUMENTS

Claims 1-20 are pending. It is believed that the pending claims define patentable subject matter over the reference cited and notice to such effect is requested at the Examiner's earliest convenience.

The Examiner rejects Claims 1-20 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 2,671,508 to Gordon ("Gordon"). More specifically, the Examiner has indicated that "Gordon" discloses a raisable window treatment (10) comprising rows of ties (11, 13), rows of openings (14), and a top tab (6).

Applicant disagrees that Gordon teaches or suggests a sleeve positioned at or near the top of the panel, wherein the sleeve comprises one or more sections extending laterally along at or near the top of the panel to enable insertion of a rod through the sleeve for installing and suspending the panel, as recited by independent Claims 1, 6, 8, and 10. The Examiner contends that the "hem" of Gordon somehow discloses a sleeve for receiving a rod therethrough. Applicant respectfully disagrees, as a hem is known to those of ordinary skill as simply a folded border formed along the edge of a material, and Gordon nowhere suggests the use of a sleeve with the drapery. In fact, the side edges are bound by tape such that a rod would be incapable of being inserted within the hem, and Gordon does not suggest modifying the drapery to allow such insertion.

Moreover, Claim 1 recites that each of the openings of the one row of openings is aligned along a common vertical axis with a respective tie of each of the multiple rows of ties. Claim 6 similarly recites that each of the ties of the one row of ties is aligned along a common vertical axis with a respective opening of each of the multiple rows of openings. The Examiner alleges that although Gordon specifically discloses that the eyelets are located along an angular bend or a curvature and are not aligned along a common axis with one another or with each of the tie cords, that it would have been obvious to modify the angle or curvature of the eyelets. Applicant disagrees with the Examiner's assertion, as Gordon only discloses that the angle or bend may be modified, not that the angle or bend may be eliminated. In addition, the fact that Gordon does not disclose that the angle or bend of the eyelets could be eliminated suggests that the angle or

bend is necessary for obtaining the pleated appearance of the drapery. In this regard, Gordon discloses that:

A curved line or two lines drawn between points E, P and F determine the general line along which the eyelets are to be placed. This line is not critical and need not be a curve, since if desired the eyelets can be placed on a straight line between E and P and on another straight line between P and F. It should be noted that the two lines EPF on opposite sides of the central line 12 bow inward toward each other. Col. 5, lines 31-40.

Accordingly, Gordon does not teach or suggest having each opening of a row of openings aligned along a common vertical axis with a respective tie of each of multiple rows of ties, or each tie of a row of ties aligned along a common vertical axis with a respective opening of each of multiple rows of openings, as recited by independent Claims 1 and 6, respectively.

In Applicant's previous response, independent Claims 1, 6, 8, and 10 were amended for clarification and to further distinguish Gordon. Claim 1 was amended to recite that at least one tie of each row of ties is located proximate to one of the lateral edges of the window treatment and at least one opening of the row of openings is located proximate to one of the lateral edges of the window treatment. Claim 1 further recites that the window treatment is in a raised position when at least one row of ties is fastened to the one row of openings, thereby causing the lower portion between the lateral edges of the window treatment to be vertically raised to a horizontal position. Claim 6 was similarly amended. Thus, as shown in FIGS. 2 and 5 of the present application, for example, the lower portion of the window treatment may be uniformly raised by fastening respective rows of ties and openings.

In contrast, Gordon does not teach or suggest that any of the eyelets are located proximate to either lateral edge (i.e., sides 5, 7). Rather, Gordon discloses that the eyelets extend between locations E, F which are spaced substantially inwardly from the lateral edges and that the drapery is hung at points at or near the location of the cords (col. 3, lines 67-69). The Examiner contends that "the specific location of the tie and openings in relation to the lateral edges of the window treatment is nothing more than a design preference inasmuch as this yields a predictable result." Applicant respectfully disagrees, as Gordon discloses that the drapery includes end or sway portions (i.e., jabots) that are used to hold the drapery in place when hung

across the window bracket (col. 4, lines 13-17) such that Gordon teaches away from positioning the eyelets proximate to the lateral edges of the drapery. In sum, Gordon does not teach or suggest at least the following features of Claims 1 and 6:

- 1) a row of openings or ties at an upper portion of the window treatment having at least one respective opening or tie proximate to a lateral edge of the window treatment; and/or
- 2) multiple rows of openings or ties, with one of the rows of openings or ties at a lower portion of the window treatment, and each row of openings or ties having at least one respective opening or tie proximate to a lateral edge of the window treatment.

Furthermore, independent Claims 8 and 10 were amended in Applicant's previous response to further distinguish Gordon. Claim 8 was amended to recite that a row of ties is affixed to the window treatment along an upper edge of the window treatment and that at least one row of openings of three rows of openings is positioned proximate to the lower edge of the window treatment. Claim 8 further recites that each of the openings in three rows of openings is adapted for receiving respective ties from the row of ties therethrough for fastening the ties to the openings and that the window treatment is in a raised position when the row of ties is fastened to the first, second or third row of openings, thereby causing the lower edge of the window treatment to be vertically raised and removably secured in the raised position while the window treatment is positioned over the window opening. Claim 10 was similarly amended.

Conversely, Gordon discloses "[a] pair of tie cords **11** and **13** are secured to the top and bottom edges of the drapery on the curved line on which the eyelets fall" (col. 3, lines 42-44). Thus, Gordon does not teach or suggest that a tie or opening at an upper edge of the drapery is configured to receive a respective opening or tie at a lower edge of the drapery, which is unlike Claims 8 and 10. Rather, the ties of Gordon are located at the upper and lower edges and do not engage one another. As such, Gordon clearly does not teach or suggest the raisable window treatment of Claims 8 and 10.

Thus, for at least the reasons stated above, Applicant respectfully submits that the recitations of independent Claims 1, 6, 8 and 10 are patentably distinct from Gordon and that the rejection under §103(a) is overcome. In addition, the dependent claims depend from one of Claims 1, 6, 8, and 10 and are patentably distinct from Gordon for at least the same reasons

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stated above.

CONCLUSION

For at least the foregoing reasons, Applicants respectfully request that the rejections be reversed and that a Notice of Allowance be issued.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,



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